

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

UNITED STATES OF AMERICA
upon the relation and for the use of the
TENNESSEE VALLEY AUTHORITY,
Plaintiff,

v.

No. 3:20-cv-00450

TREE-REMOVAL RIGHTS AND
ADDITIONAL EASEMENT RIGHTS WITH
RESPECT TO PREEXISTING EASEMENT
AND RIGHT-OF-WAY OVER LAND IN
DAVIDSON COUNTY, TENNESSEE,
TERI LYNNE McDONALD,
PENNY MAC LOAN SERVICES, LLC,
KERRY WEBB, trustee,
MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC.,
beneficiary and nominee,
Defendants.

[PROPOSED] JUDGMENT

This action came on to be considered upon Plaintiff's motion for summary judgment as to just compensation, and the Court having determined that the full, fair and just compensation for the interest taken by Plaintiff is \$1,450, that Defendants PennyMac Loan Services, LLC ("PennyMac") and Mortgage Electronic Registration Systems, Inc. ("MERS") are entitled to recover that amount from Plaintiff; that Plaintiff deposited \$1,450 (the "deposited sum") with the registry of this Court at the commencement of this action, and that the deposited sum, plus accrued interest thereon less the applicable registry fee, was previously disbursed to Defendants PennyMac and MERS.

It is, therefore, **ORDERED AND ADJUDGED** that:

1. Defendants PennyMac and MERS shall recover of the Plaintiff \$1,450 as full compensation for the taking of the land herein condemned and that payment of this amount in full satisfaction of this Judgment was made by the Clerk's previous disbursement of the deposited funds to PennyMac and MERS.

2. The vesting of title in the United States of America, free of all liens, claims, and encumbrances, as evidenced by the Declaration of Taking filed herein on May 26, 2020 (Doc. 2), is hereby fully and finally confirmed with respect to the following-described property, said description being the same as in Attachment 1 to the Declaration of Taking filed herein (Doc. 2-1):

PART I

(TREE-REMOVAL RIGHTS)

Tree-removal rights with respect to land located in Davidson County, Tennessee, and described in a deed recorded as Instrument No. 20040105-0001394, in the office of the Register of Davidson County, Tennessee, which description is incorporated herein by reference and made a part hereof. Said rights consisting of the perpetual right to remove, destroy, and/or otherwise dispose of any trees which in falling could come within five (5) feet of any transmission line structure or conductor (including structures and conductors being on and over adjacent land), the Tennessee Valley Authority (TVA) to remain liable for any direct physical damage to said land and fences thereon resulting from the operations by and on behalf of the TVA in the exercise of said rights.

TRACT NO. SNWN-28C-CR

The perpetual right to enter at any time and from time to time the land of Teri Lynne McDonald and trim, top, cut, clear and remove, destroy or otherwise dispose of as necessary any trees, which in falling could come within five (5) feet of any transmission line structure or conductor on the South Nashville - West Nashville (North Loop) Transmission Line right of way as shown on sheet 9 of USA-TVA drawing SW-9153, R.0, referencing sheet 4 of USA-TVA drawing LW-1984 and sheet 5 of TEPCO drawing 18017. The land affected by the easement lying between a property line corner located 66.62 feet left of survey station 458+98.50 and extending in an eastwardly direction to a property line corner located 64.82 feet left of survey station 461+80.29.

PART II

(ADDITIONAL RIGHTS)

To the extent not encompassed within the previously acquired rights, a permanent easement and right-of way consisting of the perpetual right to enter at any time and from time to time a section of the present right of way of the South Nashville - West Nashville (North Loop) 161kV Transmission Line as described in instrument of record in Book 701, page 320, in the Office of the Register of Davidson County, Tennessee, and to erect, maintain, repair, rebuild, operate, and patrol communication circuits and all necessary appurtenances within the existing right of way, in, on, over, and across said right of way, and to use these and all previously acquired rights provided for in that instrument of record in connection with that right of way for the purposes authorized by the Tennessee Valley Authority Act:

TRACT NO. SNWN-28C-CM

A triangular portion of the existing present right of way line of the South Nashville - West Nashville (North Loop) Transmission Line located in Davidson County, Tennessee, as shown on sheet 9 of USA-TVA drawing SW-9153, R.0, referencing sheet 4 of USA-TVA drawing LW-1984 and sheet 5 of TEPCO drawing 18017, lying between and including survey station 459+85.8 and survey station 461+06.6, said existing present right of way lying and being in Davidson County, Tennessee.

As to Part I and Part II, being the same property conveyed to Brian D. Smith and Terri R. Smith, by Warranty Deed from Melissa L. Riddle, dated August 3, 2001 and recorded August 13, 2001 in Instrument 20010813-0087239, Register's Office for Davidson County, Tennessee.

3. The Clerk of this Court shall furnish to Plaintiff a certified copy of this Judgment which shall serve as a muniment of title.

It is so **ORDERED**.

WAVERLY D. CRENSHAW, JR.
CHIEF UNITED STATES DISTRICT JUDGE

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